

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VICKIE A. KIMBERLY,

Case No. 1:12-cv-654

Plaintiff,

Judge Timothy S. Black

vs.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

**ORDER AWARDING ATTORNEY'S FEES TO PLAINTIFF  
UNDER 28 U.S.C. § 2412**

This Social Security disability benefits appeal is before the Court on the parties' joint stipulation to award EAJA fees. (Doc. 20). The parties stipulate to an award in the amount of \$5,600.00 for attorney fees and expenses authorized under 28 U.S.C. §2412(d). Upon a *de novo* review, the Court finds that Plaintiff is a "prevailing party" as defined; that this civil action was brought against the United States; to review agency action by the Social Security Administration; in a court with proper subject matter jurisdiction; that the Commissioner's position during this litigation was not "substantially justified;" and that no "special circumstances" exist to bar a fees award. *See* 42 U.S.C. § 405(g). Moreover, the hourly fee and the time expended are reasonable. Accordingly, the Court hereby **ORDERS** that an award of \$5,600.00 for attorney fees and expenses is hereby **GRANTED** to Plaintiff.<sup>1</sup>

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<sup>1</sup> Plaintiff's motion for attorney fees (Doc. 19) is **DENIED** as **MOOT**.

This award satisfies Plaintiff's claims for fees, expenses, and costs under 28 U.S.C. § 2412.<sup>2</sup>

**IT IS SO ORDERED.**

Date: 6/28/13

Timothy S. Black  
Timothy S. Black  
United States District Judge

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<sup>2</sup> Any fees paid belong to Plaintiff and not her attorney and can be offset to satisfy pre-existing debt that the litigant owes the United States. *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). However, if Defendant determines that EAJA fees and costs are not subject to any offset, the award shall be paid directly to Plaintiff's counsel, David F. Chermol, in accordance with a fee agreement between Plaintiff and her counsel. (Doc. 20 at 1).